

## REMARKS

The Office Action dated June 30, 2006 has been carefully reviewed and the pending claims have been amended to set forth with more particularity the distinctive aspects of Applicants' invention that render it patentable. Following entry of the amendments, reexamination of the pending claims is requested in light of the remarks presented below.

### Office Action

In the Office Action dated December 11, 2006, the Examiner rejected claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite. Additionally, the Examiner objected to claim 19 as being stated as depending from claim 16 when no amendment had been presented to change the dependence of the claim as originally filed from claim 13. The Examiner also rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Blasko (US 2001/0049620, "Blasko"). For reasons set forth more fully below, Applicant submits that upon entry of the amendments presented above, all grounds of rejection and the objection will have been overcome by the Applicant and the claims will be in condition for allowance.

### Section 112 Ground of Rejection

In the section 112 rejection, the Examiner stated that the Applicant used the term "user terminal activity data" and "user activity data" in an unclear manner. In response, the Applicants have amended all claims to refer to user

activity data and the use of user terminal activity data has been removed.

Therefore, Applicants submit that the indefiniteness of claim 13 has been remedied.

#### Objection to Claim 19

The Examiner is correct that claim 19 as originally filed depended from claim 13. In the Amendment previously presented, a typographical error presented claim 19 as depending from claim 16. Claim 19 has been presented above as depending from claim 13 as it was originally presented as no amendment to its dependence had been officially submitted.

#### Section 102(e) Ground of Rejection

The Examiner has rejected all of the pending claims as being anticipated by Blasko. Applicant agrees with the Examiner that the Blasko reference does relate to the generation and storage of profile data. Applicant disagrees, however, that Blasko teaches each and every limitation of the pending claims. Furthermore, Applicant submits that Blasko does not suggest all of the limitations in the pending claims. Therefore, Blasko neither anticipates nor renders obvious Applicant's claimed invention and all of the pending claims are patentable over the references of record, either alone or in combination.

In reviewing the Final Office Action, Applicants realized that the wording of the claims required more thorough attention to present the distinguishing limitations more clearly for the Examiner, or the Board of Appeals, if necessary.

Applicants contend that the amendments presented above, especially those to claims 1 and 13, render Applicants' claims patentable over all references of record, either alone or in combination.

#### Claim 1

The Examiner has failed to prove that the Blasko reference discloses:

a user profile generator for generating a user profile history from the extracted profile data and a user identifier key from the key data in response to the key data corresponding to a key stored in the memory and the extracted profile data not corresponding to the user profile history stored in the memory in association with the key that corresponds to the key data, the generated user identifier key indicating the generated user profile history is associated with a user that is different than a user associated with the key stored in the memory.

This limitation requires the user profile generator to generate a user profile history from the extracted profile data *and* a user identifier key from the key data in response to the key data corresponding to a key stored in memory *and* the extracted profile data not corresponding to the user profile history stored in association with the key that corresponds to the key data. That is, the user profile generator makes a user profile history *and* a user identifier key if the key data corresponds to a key in memory, but the extracted profile data does not correspond with a user profile history already stored in the memory in association with the key that corresponds to the key data. Blasko does not teach a user profile generator that performs this task in response to this condition.

The ability to generate a user identifier key and a user profile history in response to key data corresponding to an existing key stored in memory, but the extracted profile history indicating it was generated by a user having different

preferences enables the user profile generator to detect a new user at a device for which a user profile history has been previously stored and to identify the new user in a unique manner. Blasko does not teach the limitation that enables this feature.

The Examiner has stated that Blasko teaches this limitation in paragraphs 129-130. *Final Office Action*, page 7, paragraph 6. These paragraphs reference FIG. 7 and begin by noting that a local profiler 706 receives user transaction data from a user interface 712 and these data may include programming data from a set top box or web browsing data from a personal computer. From these data, the profiler 706 generates a profile vector. According to *Blasko*, the evaluator 702, not the profiler 706, generates user identification information for the profile vector after it receives the profile vector from the local profiler 706. The evaluator then sends the user identifier data to the correlation server 708 “for correlating the user identification with the previously stored profile vector information.” *Blasko*, paragraph 130. The correlation server uses the user identification information to locate previously stored profile vectors for the user so the previously stored profile vectors may be updated with the new profile vector. Nothing in this section of *Blasko*, however, teaches or even suggests that the correlation server compares the data in profile vectors previously stored for the user with the profile vector generated by the local profiler 706. Instead, this section suggests that the correlation server correlates the user identification data provided by the evaluator with the identification used for the previously stored profile vectors so the stored vectors may be updated with the profile vector

generated by the local profiler 706.

Moreover, this section of Blasko also fails to teach that the correlation server stores the current profile vector with a profile identifier that is different than the profile identifier for the previously stored profile vectors if the user identification can be correlated to an identifier for previously stored profile vectors vector, but the current profile vector fails to correspond with the previously stored profile vectors associated with the profile identifier stored in the correlation server. Consequently, Blasko does not anticipate claim 1.

*Blasko's Other Teachings Do Not Teach The Missing Limitation*

Although Blasko does state that a current profile vector may be compared to one or more stored profile vectors, *Blasko*, paragraph 56, it does not teach that, in response to a stored key corresponding to key data and the user profile history stored in associated with the stored key not corresponding with extracted profile data, a user identifier is generated from key data obtained from user activity data *and* a profile history is generated from extracted profile data. Blasko's teachings regarding the comparison performed by his system are contained in paragraphs 21 and 53. These descriptions provide that after a profile vector is assigned a transaction ID, it is evaluated for selection of an advertisement. The evaluation may include comparing the current profile vectors against previously stored profile vectors using collaborative filtering techniques. The aggregation of profile vectors for a user is indexed with a profile ID. This description comports with paragraphs 129 and 130 noted above where the

evaluator sends a profile history with a user identifier to a correlation server for processing to correlate user identification with identification for previously stored profile vectors. Thus, Blasko teaches that user identification may be used to correlate a current profile vector with a profile vector for a group of previously stored profile vectors so the content of a current profile vector may be integrated with the previously stored profile vectors indexed with the profile ID. However, this portion of Blasko does not teach generation of a user identifier from key data obtained from extracted profile data and generation of a user profile history from extracted profile data in response to a determination that the key data corresponds to a stored key, but the extracted profile data does not correspond to a user profile history stored in association with the key that corresponds to the key data.

Blasko teaches the concept of integrating extracted profile data with previously stored profile vectors, but does not teach the storage of a user profile history generated from the extracted profile data in association with a user identifier generated from key data after detecting that previously stored profile vectors stored in association with a profile ID, which corresponds to the key data, do not correspond with the extracted profile data. As discussed in Blasko, profile vectors may be updated by replacing older data with more recent data or by more heavily weighting recent data to skew the profile vector towards current transactions. *Blasko*, paragraphs 80 and 125. If a user aggregates his or her data, then the collection may be sold, but the user's editing of the profile vectors is not performed with a user profile generator as set forth in claim 1. *Blasko*,

paragraph 84.

For at least these reasons, claim 1 is patentable over all references of record, either alone or in combination.

#### Claims 2-4 and 8-9

Claims 2-4 and 8-9 depend from claim 1 and, therefore, contain the limitations discussed above with respect to claim 1. Consequently, these claims are patentable for similar reasons.

#### Claim 5

Claim 5 depends from claim 1 and is patentable for the reasons discussed with regard to that claim. Additionally, claim 5 requires that a low degree of correlation between a site identifier and a resource identifier in the extracted profile data be detected with respect to site identifiers and resource identifiers in a user profile history. This claim specifically teaches that profile data extracted from the user activity data are compared to stored profile data to determine whether to generate a user profile history *and* a user identifier key. Blasko does not teach this comparison of profile data as noted above. Additionally, Blasko teaches that correlation is based upon key comparison only. Specifically in paragraph 66 and 67, the transaction identifier of Blasko is used to determine whether profile vectors are stored in a currently existing profile history or in another profile history. There is no teaching or suggestion in Blasko to compare the profile histories themselves. Moreover, Blasko only generates a key *and* a

profile history when it cannot locate a key that corresponds to the key in the received messages. Applicant's invention generates a key and a profile history in response to a correspondence between key data and a key stored in the memory and an absence of correspondence between extracted data and profile data stored in association with the key that corresponds to key data obtained from user activity data. That is, Applicant's system is capable of generating a separate profile history from extracted profile data and generating a user identifier key from key data in response to the key data corresponding to a stored key while the extracted profile data and the user profile history stored in association with the stored key demonstrate a low degree of correlation. For at least these reasons, claim 5 is patentable over Blasko and the other references of record, either alone or in combination.

#### Claims 6 and 10-11

Claims 6 and 10-11 depend from claim 5 and, therefore, include the limitations of claim 5. Consequently, these claims are patentable for the reasons discussed with respect to that claim.

#### Claims 7, 12, 19, and 24

Claims 7 and 19 require the user identifier of claim 1 or the user identification of claim 13, respectively, to determine which one of at least two user profile histories corresponds with the extracted profile data so advertising can be selected that corresponds to the user that generated the extracted profile



data. The two user profile histories are stored in the memory in association with separate keys, each of which is associated with a computer identifier for the terminal that was used to generate the user activity data. Blasko does not teach or suggest a user identifier at a server site being used to determine a level of correspondence between extracted profile data and two profile histories stored in relationship to a single transaction identifier. Instead, the system of Blasko only compares the keys and stores two separate profile histories under two separate transaction identifiers using personal information to generate the two separate keys. The separate profile vectors may be stored aggregately in association with a profile ID, but they are not used to identify different users of the same terminal. Instead, as discussed above, Blasko may give more weight to recent usage profile data over less recent usage profile data so the selected advertisement corresponds to a current user, but that is not a selection of an advertisement based upon a determination that extracted profile data is more like one profile history associated with a computer identifier than another profile history associated with the same computer identifier. Thus, Blasko does not evaluate the level of correspondence between data generated by a user of a terminal or account and profile data stored in memory as Applicant's system does. For at least these reasons, claims 7 and 19 are patentable over Blasko and the other references of record, either alone or in combination.

For similar reasons, claims 12 and 24 are also patentable over Blasko and the other references of record. Specifically, claims 12 and 24 require the user identifier to be able to differentiate between two profile histories associated with a

television terminal. Again, Blasko uses different weights for different types of data associated with the single television terminal to determine what advertising to select, (Blasko, ¶ 69). Blasko operates in this manner because it has only one profile ID for storing multiple profile vectors for a set top box, but the system of Blasko assumes a single user for the television terminal. The weighting is Blasko's approach for selecting advertising that conforms to the preferences of the current user. Applicant's invention, on the other hand, is able to generate a profile history for *each* user it detects using the same terminal and to associate each profile history with a single television terminal. Therefore, the user identifier of Applicant's invention is required to be capable of determining which user is accessing the server through the television terminal.

#### Claim 13

Claim 13 is an independent method claim that includes the functions performed by the system components as recited in claim 1. For at those reasons, claim 13 is patentable over Blasko and the other references of record, either alone or in combination.

Additionally, claim 13 requires that the user profile history generated from the profile data extracted from the user activity data be stored in association with *both* the user identifier key and the key stored in memory. That is, the generated user profile history is associated with both a user of a terminal and a key that corresponds to a terminal identifier. Performing the process in this manner enables Applicant's method to differentiate between different users of the same

terminal or account. Blasko is unable to differentiate users without personal, private information being used as a key or transaction identifier. Blasko fails to teach that multiple users of a single terminal may be grouped in a collection of profile vectors indexed with a single profile ID so different users of the terminal may be detected by comparing a current profile vector with a previously stored profile vector. Consequently, Blasko does not disclose each and every limitation of claim 13 nor does it suggest the method as set forth in claim 13. For at least these reasons, claim 13 is patentable over Blasko and the other references of record, either alone or in combination.

#### Claims 14-15

Because claims 14-15 depend from claim 13, they include the limitations of claim 13. Therefore, they are patentable for at least the same reasons as those stated above with respect to claim 13.

#### Claim 16

Claim 16 depends from claim 13 and, therefore, is patentable for at least the reasons discussed above with respect to that claim. Additionally, claim 16 requires that a site identifier and a resource identifier in the extracted profile data be compared with site identifiers and resource identifiers in profile histories that are stored in the memory. As noted above, Blasko does not teach or suggest the comparison of extracted profile data to stored profile data, much less the comparison of these particular data elements. Consequently, claim 16 is

patentable over Blasko and the other references of record, either alone or in combination.

#### Claims 18 and 22-23

Claims 18 and 22-23 also depend, directly or indirectly, from claim 16 and are patentable for the reasons already noted with respect to claim 16.

#### Claim 17

Claim 17 depends from claim 16 and is patentable for the reasons discussed with regard to claims 16 and 13. Additionally, claim 17 requires that a low degree of correlation between a site identifier and a resource identifier in the extracted profile data be detected with respect to site identifiers and resource identifiers in a user profile history. This claim specifically teaches that profile data extracted from the user activity data are compared to stored profile data to determine whether to generate a user profile history *and* a user identifier key. Blasko does not teach the comparison of extracted profile data to stored profile data as noted above. Additionally, Blasko teaches that correlation is based upon key comparison only. Specifically in paragraphs 66 and 67, the transaction identifier of Blasko is used to determine whether profile vectors are stored in a currently existing profile vector or in another profile vector. There is no teaching or suggestion in Blasko to compare extracted data to data stored in the profile vectors themselves. That is, Applicant's method is capable of generating a separate profile history for a user generating activity data and link the new history

to an existing history through a relationship between the newly generated key and the existing key. For at least these reasons, claim 17 is patentable over Blasko and the other references of record, either alone or in combination.

#### Claim 20

Claim 20 depends from claim 16 and is patentable for at least the reasons discussed with respect to that claim. Additionally, claim 20 requires that the comparison of site identifiers in the extracted profile data to the site identifiers in the user profile histories compare cookies. Blasko does not teach the comparison of regarding cookies in extracted profile data with cookies in stored profile data. This difference is an additional ground for the allowance of claim 20 over the references of record.

#### Claim 21

Claim 21 depends from claim 16 and is patentable for at least the reasons discussed with respect to that claim. Additionally, claim 21 requires that the comparison of site identifiers in the extracted profile data and the user profile histories compare IP addresses. Blasko does not teach the comparison of regarding IP addresses in extracted profile data with IP addresses in stored profile data. This difference is an additional ground for the allowance of claim 21 over the references of record.

## CONCLUSION

In view of the foregoing, Applicants submit that this application is in condition for allowance. Therefore, Applicant respectfully requests reexamination and allowance of all pending claims 1-24.

Respectfully submitted,



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